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Progress report of the Secretary-General on Ethiopia and Eritrea

Addendum

Annex I

Eritrea-Ethiopia Boundary Commission: fifteenth report on the work of the Commission

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Enclosure I

Letter dated 6 December 2004 from the Legal Counsel to the Federal Democratic Republic of Ethiopia addressed to the President of the Eritrea-Ethiopia Boundary Commission

I write today, at the instruction of the Government of Ethiopia, to convey to the Commission information on the Government's most recent initiative for resolving the dispute between Ethiopia and Eritrea.

On 25 November, the Prime Minister of Ethiopia, His Excellency Meles Zenawi, gave a major address to the House of Peoples' Representatives (Federal Parliament) regarding the peace process and, after discussion, the House adopted the five-point peace proposal presented by the Prime Minister.

The Government of Ethiopia has asked that I inform the Commission that on the basis of paragraph (4) of the five-point peace proposal, its outstanding dues will be paid immediately. In addition, Ethiopia's liaison officers will be appointed promptly from a list of candidates now being considered. Their names and information regarding their background will be transmitted to the Commission as specified in the Commission's order of 7 July 2003.

I have also enclosed herewith the five-point peace proposal and the statement delivered by Prime Minister Zenawi to the House of Peoples' Representatives of the Federal Democratic Republic of Ethiopia on this same day, 25 November 2004 (see appendix).

(*Signed*) B. Donovan **Picard**
Legal Counsel to the Federal Democratic Republic of Ethiopia

Appendix

Decision on the five-point proposal for resolving the dispute between Ethiopia and Eritrea

The House of Peoples' Representatives of the FDRE having discussed in detail the five-point peace proposal submitted to it by H.E. Prime Minister Meles Zenawi;

Realizing that the desire for sustainable peace of the peoples of Ethiopia and Eritrea can only be achieved when the present no war no peace situation is replaced with a lasting and durable peace between the two countries;

Cognizant that the resolution of all disputes between neighboring countries by peaceful means only and through negotiation is the only guarantee for lasting peace and for promoting mutual interests;

Reiterating Ethiopia's conviction which remains unchanged that the decision of the Eritrea-Ethiopia Boundary Commission was flawed, but nonetheless realizing that nothing is more important than the achievement of lasting peace between the two countries; and

Convinced that the establishment of a lasting peace between the two countries will make significant contribution for making the Horn of Africa a peaceful region;

Has hereby adopted the following five-point peace proposal.

1. Resolve the dispute between Ethiopia and Eritrea only and only through peaceful means.
2. Resolve the root causes of the conflict through dialogue with the view to normalizing relations between the two countries.
3. Ethiopia accepts, in principle, the Ethiopia-Eritrea Boundary Commission decision.
4. Ethiopia agrees to pay its dues to the Ethiopia-Eritrea Boundary Commission and to appoint field liaison officers.
5. Start dialogue immediately with the view to implementing the Ethiopia-Eritrea Boundary Commission's decision in a manner consistent with the promotion of sustainable peace and brotherly ties between the two peoples.

25 November 2004

Enclosure II

Letter dated 10 December 2004 from the Legal Adviser to the Office of the President of the State of Eritrea addressed to the President of the Eritrea-Ethiopia Boundary Commission

The Boundary Commission's Registry recently informed Eritrea that a copy of Prime Minister Meles Zenawi's new "Peace Proposal" had been forwarded to it by Ethiopia. The only peace plan that the Commission is mandated to implement, however, is the Algiers Agreement of 12 December 2000, which created the Commission.

Prime Minister Meles has repeatedly informed the Ethiopian people and the international community that his "five-point peace proposal" is an alternative to the 13 April 2002 Eritrea-Ethiopia Boundary Commission Award, not an agreement to honour it as written. In a 3 December 2004 Reuters interview published under the headline *Ethiopia agrees to demarcate **most** of border* (emphasis added), the Prime Minister reiterated his demand to alter all portions of the Award to which Ethiopia cannot agree:

> "On the so-called 85 per cent of the boundary (with Eritrea), we have said all along that we don't have any objection and it can be demarcated straight away", Meles told resident diplomats in Addis Ababa in a briefing session attended by reporters.
>
> "Meles said disagreement over the remaining 15 per cent of the border could be solved through dialogue with Eritrea, which went to war with Ethiopia between 1998-2000".[1]

In a 7 December 2004 interview with the *Ethiopian Herald*, reprinted by Walta Information Centre, the Prime Minister once more condemned the 13 April 2002 Award and demanded its alteration:

> "We have reiterated that the decision passed by the Commission does not bring about peace. Any attempt to implement the decision unaltered could undermine the peace between the two countries, which is precarious and not yet dependable. Accordingly, we suggested a proposal for dialogue and negotiation to reach a solution ... [T]he international community realized that the implementation of the decision of the Boundary Commission might undermine the peace between the two countries ..."[2]

Although the Boundary Commission may be heartened to learn that Ethiopia is considering paying its share of the tribunal's expenses, Ethiopia's proposal says nothing about considerably more important outstanding obligations. Ethiopia has not complied with the Commission's 17 July 2002 Order to remove illegal settlements from Eritrean territory, an order that was explicitly endorsed by the Security Council on 14 August 2002 and 6 September 2002. Nor has it complied with Security Council resolutions calling on the parties to refrain from moving populations into affected areas.

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[1] *Ethiopia agrees to demarcate most of border*, Reuters (3 December 2004).

[2] *Meles says the new peace initiative will bring about lasting and durable peace between Ethiopia and Eritrea, Ethiopian Herald*, reprinted by Walta Information Centre (7 December 2004).

It is incumbent upon Ethiopia immediately to express unconditional respect for the work of the Boundary Commission, including full acceptance of the 13 April 2002 Award. Ethiopia must withdraw its troops from Eritrean territory and cooperate fully with expeditious demarcation of the boundary.

(*Signed*) Lea **Brilmayer**
Legal Adviser to the Office of the President
State of Eritrea